



THE CITY OF SAN DIEGO  
**MANAGER'S REPORT**

DATE ISSUED: February 21, 2001 REPORT NO. 01-036

ATTENTION: Honorable Mayor and City Councilmembers  
Docket of February 27, 2001

SUBJECT: Hip Pocket, LLC - Appeal of The Planning Commission's Decision to  
Approve Site Development Permit No. 40-0601. City Council District 2.  
Process 4

REFERENCE: Planning Commission's Report No. P-00-220, dated December 14, 2000

OWNER/  
APPLICANT: John Bertsch/Safdie Rabines Architects

SUMMARY

Issue - Should the City Council approve an appeal of the Planning Commission's decision to approve a Site Development Permit to demolish an existing dwelling unit, and construct two new single dwelling units?

Staff Recommendation - DENY the appeal and APPROVE Site Development Permit No. 40-0601.

Planning Commission Recommendation - On December 14, 2000, the Planning Commission voted unanimously to APPROVE Site Development Permit No. 40-0601.

Community Planning Group Recommendation - On November 7, 2000, the Uptown Planners voted 10-0-0 to recommend approval of the proposed Site Development Permit.

Environmental Impact - This project is exempt from CEQA pursuant to State CEQA Guidelines Section 15303-3, New Construction or Conversion of Small Structures.

Fiscal Impact - The applicant has provided a deposit to cover all costs associated with processing the proposed project.

Code Enforcement Impact - None.

Housing Affordability Impact - None.

## BACKGROUND

This project is located at 906 West Lewis Street, west of Goldfinch Street (a paper street north of West Lewis Street), in the Uptown Planning Area. The proposed site is a split-zoned site (MR-1000 Zone in a front portion and RS-1-1 Zone in a rear portion). The project is also located within the Mid-City Planned District and proposes demolishing a single dwelling unit located on the first two of four lots. A lot consolidation from four lots to two and construction of two detached dwelling units on the resulting two consolidated lots is also proposed. The project is on a 0.22-acre, steeply sloping site and borders on the Multiple Habitat Planning Area (MHPA) to the north of the project site.

During Preliminary Review of this project, several sessions were held to determine the best solutions to Brush Management issues that were complicated by the adjacent MHPA area at the bottom of the canyon, on the north side of the project. Retaining walls were proposed as a separation solution and led to the need for a Site Development Permit. As a result of the effort to remain clear of the MHPA, providing the required Brush Management and minimizing the bulk of the proposal as it steps down the canyon, two variances and six deviations to the Mid-City Planned District Ordinance resulted. At the hearing of December 14, 2000, the Planning Commission discussed the variances and deviations in detail and found that the findings could be made to grant them. In addition, the Planning Commission discussed at length the need for a sidewalk in front of the project where two mature palms trees are located and concurred with staff recommendation to retain the trees and forego the sidewalk. The Planning Commission asked and the applicant agreed to voluntarily provide stepping stones and arrange landscaping to accommodate the pathway. Following public testimony and discussion, the Planning Commission voted to approve the project.

## DISCUSSION

### Appeal

The Planning Commission's decision was appealed by Ms. Sera Larkins (See Attachments No. 2). According to the appellant, the bases for the appeals include: 1) Factual Error; 2) Conflict with other matters; 3) Findings Not Supported; 4) New Information; and 5) City-wide Significance.

1. Factual Error - The appellant indicates that... "As a matter of factual error the canyon does not 'immediately drop off' at the end of Goldfinch St. (as stated by one commissioner and one or more of the applicant group). The measurements vary (from the east property line) from 11' to 18' (not including 2'- 9" extra from the link fence joining the copper-clad posts to the outer curb edge). This error was used in considering not to continue the sidewalk from west to possibly around the curve to join the east sidewalk on Goldfinch."
2. Conflict with other matters - The appellant indicates the "variances conflict with the previous

project - the inscripted copper-clad posts joined with link fencing."

3. Findings Not Supported - The appellant indicates: "I do not believe the owner should be given a variance to move his property (or line closer to the street). While the 2 large palms are a community asset, I believe it should be checked into safety relocating them (Possibly as close as 60 yards to the east and thus possibly becoming a greater asset!"
4. New Information - See Item 1.
5. City-wide Significance - The appeal does not indicate how approval of this project would have city-wide significance.
- 6.

#### Staff Analysis

City staff has reviewed the project and the submitted appeal, and recommends denial of the appeal and approval of the project for the following reasons:

1. "Factual Error" - Staff believes no factual error occurred on the part of Planning Commission in their deliberations. The appeal claims that incorrect measurements were considered to conclude that the existing sidewalk could not continue from the westerly edge of the project and connect with the existing sidewalk on the east side of Goldfinch Street.

The City did not require a sidewalk so that the existing trees in front of the property could be saved. The decision was not based on the measurements of the adjacent natural pathway.

Due to the need to provide additional Zone One Brush Management with adjacent to the Multiple Habitat Planning Area (MHPA) at the rear of the property, the proposed project was moved to the property line along West Lewis Street. This configuration leaves 10 feet 11 inches from the property line to the curb in front of the project. However, City staff also recommended that the street trees remain as part of the mature urban streetscape. In addition, Land Development Code Section 142.0412 provides that a sidewalk may be eliminated from one side of the public right-of-way to provide additional Zone One Brush Management width. A sidewalk exists across from the project on the southern portion of West Lewis Street and provides adequate pedestrian access to this section of Goldfinch Street.

The Planning Commission concurred with the deletion of the requirement for a sidewalk and asked the applicant if he would consider voluntarily providing stepping stones. This would allow the palms to remain and yet provide a walking path that would connect to the existing dirt walking path that extends from the easterly edge of the project to the existing sidewalk on east Goldfinch Street. The applicant indicated he was willing provide the stepping stones. The canyon drops off rather dramatically in this area. A approximate 50 percent slope exists there, and is about ten to eleven feet from the curb. As the width at this location has no bearing on project requirements, staff believes that there was no factual error relied on by Planning Commission in approving the project.

1. Conflict with other matters - The appellant claims the variances approved by the Planning

Commission conflict with the previous project. Staff does not agree. Neither of the two "variances" (see Note 1.) would have any affect on the fencing in question. The first variance addresses the interior sideyard at the bottom of the canyon and the second addresses allowed building height for the project.

Given the need to build retaining walls to avoid the Multiple Habitat Planning Area (MHPA)/Environmentally Sensitive Lands (ESL) area at the bottom of the canyon, the project cannot provide the required 10 feet and the project has been designed up and out of the canyon as much as possible. This locates the project at the property line along West Lewis Street. Because of the need to remain clear of the MHPA/ESL, staff supported and the Planning Commission approved this deviation. If approved, this configuration would maintain the 11 foot 10 inch curb to property line distance and would not conflict with the link fencing mentioned in the appeal as the fencing is offsite.

2. Findings Not Supported - The appellant indicates the project should not be granted a variance and that the street trees could be relocated.

Staff disagrees. The variance request for a sideyard setback is needed in order to avoid the MHPA. The landscaping staff advises that the trees would not survive transplantation due to their maturity.

3. New Information - Since no information was provided in the appeal application, staff assumes the appellant is referring to the measurements provided in No. 1 above. While the measurements are new information, the data refers to an area adjacent to the proposal and not to the project or any City requirements. Therefore, the information is new, but not relevant to Planning Commission's approval of the project.
5. City-wide Significance - It is unclear from the appeal how the project or the sidewalk issue would have City-wide significance. Staff does not believe approval of this project would have any Citywide significance.

## CONCLUSION

The need to provide as much Brush Management Zone One/MHPA area clearance as possible at the rear of the project (down the canyon), has placed the project at the property line along West Lewis Street. Given the existence of two, mature palm trees and the proposed placement of the project at the property line, a sidewalk fronting this project is not feasible. The applicant has indicated a willingness to provide stepping stones to connect the existing sidewalk on the west to the dirt walking path on the east. Furthermore, a standard sidewalk exists immediately across the street from the subject project. Therefore, staff recommends the City Council deny the appeal and approve the project.

Respectfully submitted,

Tina P. Christiansen, A.I.A.  
Development Services Director

Approved: George I. Loveland  
Senior Deputy City Manager

CHRISTIANSEN/MED:446-5201

- ATTACHMENTS:
1. Location Map
  2. Appeal application from Ms. Sera Larkins
  3. Draft Site Development Permit No. 40-0601
  4. City Council Resolution for SDP No. 40-0601

Location Map

Attachment is available in hard-copy format in the Office of the City Clerk.

ATTACHMENT NO. 2

Appeal application from Ms. Sera Larkins

Attachment is available in hard-copy format in the Office of the City Clerk.